

107TH CONGRESS  
1ST SESSION

# S. 768

To amend section 8339(p) of title 5, United States Code, to clarify the method for computing certain annuities under the Civil Service Retirement System which are based (in whole or in part) on part-time service, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 24, 2001

Mr. WARNER introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To amend section 8339(p) of title 5, United States Code, to clarify the method for computing certain annuities under the Civil Service Retirement System which are based (in whole or in part) on part-time service, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. COMPUTATION OF CERTAIN ANNUITIES BASED**  
4       **ON PART-TIME SERVICE.**

5       Section 8339(p) of title 5, United States Code, is  
6       amended by adding at the end the following:

7               “(3) In the administration of paragraph (1)—

1           “(A) subparagraph (A) of such paragraph  
 2           shall apply with respect to any service per-  
 3           formed on a part-time basis before, on, or after  
 4           April 7, 1986;

5           “(B) subparagraph (B) of such paragraph  
 6           shall apply with respect to all service performed  
 7           on or after April 7, 1986 (whether on a part-  
 8           time basis or otherwise); and

9           “(C) any service performed on a part-time  
 10          basis before April 7, 1986, shall be credited as  
 11          service performed on a full-time basis.”.

12 **SEC. 2. APPLICABILITY.**

13          (a) IN GENERAL.—Except as provided in subsection  
 14          (b), the amendment made by this Act shall apply only with  
 15          respect to an annuity entitlement that is based on a sepa-  
 16          ration occurring on or after the date of enactment of this  
 17          Act.

18          (b) RECOMPUTATION OF CERTAIN ANNUITIES.—

19                 (1) IN GENERAL.—In the case of any individual  
 20          who—

21                         (A) before April 7, 1986, performed any  
 22                         service creditable under subchapter III of chap-  
 23                         ter 83 of title 5, United States Code, and

1           (B) was separated from the service on or  
2           after April 7, 1986, and before the date of en-  
3           actment of this Act,  
4           any annuity under subchapter III of chapter 83 of  
5           title 5, United States Code (or under chapter 84 of  
6           that title, to the extent of any portion of such annu-  
7           ity which is computed under subchapter III of such  
8           chapter 83) based on the service of such individual  
9           shall be recomputed to take into account the amend-  
10          ment made by this Act, if application therefor is  
11          made within 18 months after the date of enactment  
12          of this Act.

13           (2) AMOUNTS TO WHICH APPLICABLE.—Any  
14          change in an annuity resulting from a recomputation  
15          under paragraph (1) shall be effective with respect  
16          to amounts accruing for months beginning after the  
17          date on which application for such recomputation is  
18          made.

19          (c) NOTICE REQUIREMENT.—

20           (1) IN GENERAL.—The Office of Personnel  
21          Management shall take such action as may be nec-  
22          essary and appropriate to inform individuals entitled  
23          to have any annuity recomputed under subsection  
24          (b) of their entitlement to such recomputation.

1           (2) ASSISTANCE.—The Office shall, on request,  
2       assist any individual referred to in paragraph (1) in  
3       obtaining from any department, agency, or other in-  
4       strumentality of the United States such information  
5       in the possession of such instrumentality as may be  
6       necessary—

7           (A) to verify the entitlement of such indi-  
8       vidual to have an annuity recomputed under  
9       subsection (b); or

10          (B) to carry out any such recomputation.

11          (3) INFORMATION.—Any department, agency,  
12       or other instrumentality of the United States which  
13       possesses any information with respect to part-time  
14       service performed by an individual shall, at the re-  
15       quest of the Office, furnish such information to the  
16       Office.

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